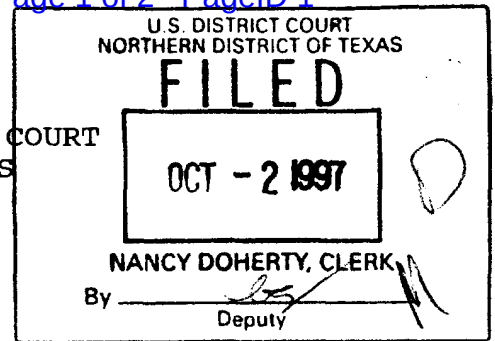


IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION



TEXAS-ROSEWIN-MIDWAY, INC., §  
Plaintiff, §  
VS. §  
SCOTTSDALE INSURANCE CO., §  
ET AL., §  
Defendants. §

NO. 4:97-CV-758-A

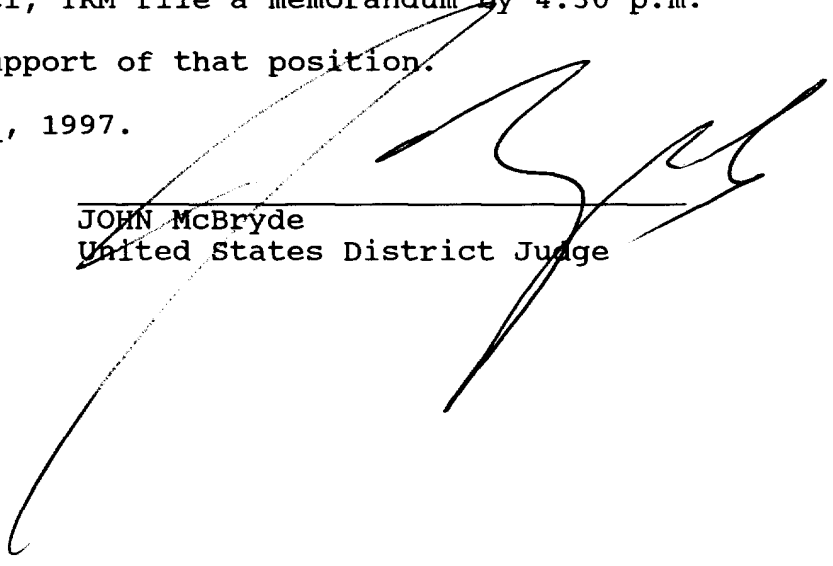
O R D E R

Came on for consideration the above-captioned cause. On July 31, 1997, plaintiff, Texas-Rosewin-Midway, Inc. ("TRM"), filed the instant suit in the 342nd Judicial District Court of Tarrant County, Texas. On September 5, 1997, defendants, Scottsdale Insurance Company ("Scottsdale") and Investigative Consultants, Inc. ("ICI") (collectively referred to as "defendants"), filed their notice of removal to this court and brief in support. In defendants' notice of removal, they allege, inter alia, that TRM has fraudulently joined ICI to this action in an attempt to defeat diversity jurisdiction. As of this date, TRM has failed to file a motion to remand or to respond to defendants' fraudulent joinder claim. The court is considering a dismissal sua sponte of TRM's claims against ICI on the basis that they fail to state a cause of action. However, the court is affording TRM an opportunity to demonstrate that its claim should not be so dismissed. Therefore,

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The court ORDERS that, if TRM maintains that it has stated a cause of action against ICI, TRM file a memorandum by 4:30 p.m. on October 20, 1997, in support of that position.

SIGNED October 2, 1997.



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JOHN McBryde  
United States District Judge